



# Journal of the House

State of Indiana

113th General Assembly

First Regular Session

Second Meeting Day

Tuesday Afternoon

January 7, 2003

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Father Thomas Shoemaker, St. Jude's Roman Catholic Church, Fort Wayne, the guest of Speaker B. Patrick Bauer.

The Pledge of Allegiance to the Flag was led by Speaker Bauer.

[*Journal Clerk's Note: Representative Michael D. Smith resigned effective November 30, 2002; Eric A. Gutwein was selected to fill the vacancy. Representative-elect Michael B. Murphy was excused on November 19, 2002.*]

Dear Speaker Bauer:

I am writing this letter as notice of my resignation from the Indiana General Assembly at midnight on November 30, 2002.

It has been a pleasure serving with you and the other members of the General Assembly, and I have always appreciated being a part of this great institution.

Best wishes for the future,

Sincerely,

Michael D. Smith  
State Representative

## STATE OF INDIANA CERTIFICATE OF SELECTION

BE IT KNOWN BY THESE PRESENTS:

WHEREAS, A vacancy occurred in the office of Indiana State Representative, District 16, on November 30, 2002, due to the resignation of the Honorable Michael D. Smith, who was elected to office as a candidate of the Indiana Republican Party;

WHEREAS, On December 17, 2002, the State Chairman of the Indiana Republican Party certified to the Speaker of the Indiana House of Representatives that an individual had been selected on December 16, 2002, to fill this vacant office by a caucus composed of the Republican Party precinct committeemen from Indiana House District 16;

WHEREAS, On December 17, 2002, the Speaker of the Indiana House of Representatives forwarded a copy of the aforesaid certification to the Secretary of State of Indiana, in accordance with Indiana Code 3-13-5-6; and

WHEREAS, Under Indiana Code 3-13-5-7, the Secretary of State is required to certify the individual selected to fill a vacant legislative office: NOW, THEREFORE,

AS THE DULY ELECTED AND ACTING SECRETARY OF STATE OF INDIANA, I certify that

**The Honorable Eric A. Gutwein**

has been selected to fill the vacancy existing in the office of Indiana State Representative, District 16.

*Given under my hand and the seal of the State of Indiana, at the City of Indianapolis, this 17th day of December, in the year of our Lord, two*

*thousand and two, being the 227<sup>th</sup> year of the Independence of the United States, and the 187<sup>th</sup> year of the Statehood of Indiana.*

SUE ANN GILROY  
Secretary of State

Chief Justice Randall T. Shepard administered the oath of office to Representatives-elect Gutwein and Murphy on January 3, 2003, in the House Chambers.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski
Aguilera	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Becker	Liggett
Behning	J. Lutz
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Moses
Buck	Murphy
Budak	Neese
Buell	Noe
Burton	Orentlicher
Cheney	Oxley
Cherry	Pelath
Chowning	Pflum
Cochran	Pierce
Crawford	Pond
Crooks	Porter
Day	Reske
Denbo	Richardson
Dickinson	Ripley
Dobis	Robertson
Duncan	Ruppel
Dvorak	Saunders
Espich	Scholer
Foley	V. Smith
Frenz	Stevenson
Friend	Stilwell
Frizzell	Stine
Fry	Stutzman
GiaQuinta ☐	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler	Ulmer
Heim	Weinzapfel
Herrell	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Kersey	D. Young
Klinker	Yount
Koch	Mr. Speaker

Roll Call 2: 99 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE: ☒ indicates those who were excused.]

#### HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, January 8, 2003, at 2:00 p.m.

KUZMAN

Motion prevailed.

#### APPOINTMENT OF COMMITTEES

The Speaker announced the appointment of the following standing committees:

##### **Agriculture, Natural Resources and Rural Development**

Democrats: Bischoff, Chair; Goodin, Vice Chair; Bottorff, Chowning, Grubb, Liggett, Lytle, Robertson.

Republicans: Mangus, Ranking Minority Member; Friend, Hoffman, Koch, Lehe, Ulmer.

##### **Appointments and Claims**

Democrats: Harris, Chair; Dobis, Vice Chair; Bischoff, Cheney, Goodin, Oxley, Stilwell, Summers.

Republicans: Ruppel, Ranking Minority Member; Alderman, T. Brown, Buck, Mangus, D. Young.

##### **Commerce and Economic Development**

Democrats: Stevenson, Chair; Austin, Vice Chair; Chowning, Denbo, Dvorak, Fry, Pelath, Reske.

Republicans: J. Lutz, Ranking Minority Member; Behning, Frizzell, LaPlante, Murphy, Yount.

##### **Courts and Criminal Code**

Democrats: Weinzapfel, Chair; L. Lawson, Vice Chair; Bischoff, Dvorak, GiaQuinta, Harris, Pierce, Porter.

Republicans: D. Young, Ranking Minority Member; Ayres, Becker, Foley, Koch, Ulmer.

##### **Education**

Democrats: Porter, Chair; V. Smith, Vice Chair; Avery, Cheney, Kersey, Klinker, Orentlicher, Pflum.

Republicans: Pond, Ranking Minority Member; Behning, Hoffman, Noe, Scholer, Stine.

##### **Elections and Apportionment**

Democrats: Mahern, Chair; Crooks, Vice Chair; Dickinson, Fry, Kromkowski, Pelath, Robertson, V. Smith.

Republicans: Stine, Ranking Minority Member; Budak, Buell, Burton, Richardson, Thompson.

##### **Environmental Affairs**

Democrats: Bottorff, Chair; Pierce, Vice Chair; Crooks, Day, Herrell, Kuzman, Lytle, Moses.

Republicans: Heim, Ranking Minority Member; J. Lutz, Mangus, Neese, Stutzman, Wolkins.

##### **Financial Institutions**

Democrats: Bardon, Chair; Oxley, Vice Chair; Bottorff, Goodin, Hasler, Mahern, Moses, Weinzapfel.

Republicans: Burton, Ranking Minority Member; Cherry, Hoffman, LaPlante, Ruppel, Yount.

##### **Human Affairs**

Democrats: Summers, Chair; Cheney, Vice Chair; T. Adams, Day, Dickinson, Mays, V. Smith, Welch.

Republicans: Budak, Ranking Minority Member; Becker, Gutwein, Noe, Saunders, Stutzman.

##### **Insurance, Corporations and Small Business**

Democrats: Fry, Chair; Bardon, Vice Chair; C. Brown, Denbo, Herrell, Pelath, Porter, Reske.

Republicans: Ripley, Ranking Minority Member; Buck, Burton, Frizzell, Torr, Whetstone.

##### **Interstate and International Cooperation**

Democrats: Kromkowski, Chair; Denbo, Vice Chair; Bischoff, C. Brown, Dvorak, Grubb, Hasler, Oxley.

Republicans: Buck, Ranking Minority Member; Duncan, Kruse, LaPlante, Ruppel, Yount.

##### **Judiciary**

Democrats: L. Lawson, Chair; Kuzman, Vice Chair; Bardon, Cochran, Mahern, Mays, Pierce, Weinzapfel.

Republicans: Foley, Ranking Minority Member; Leonard, Pond, Thomas, Torr, Ulmer.

##### **Labor and Employment**

Democrats: Liggett, Chair; Pflum, Vice Chair; Avery, Dickinson, Kersey, Kromkowski, L. Lawson, Stilwell.

Republicans: Torr, Ranking Minority Member; Borrer, Gutwein, Lehe, Leonard, D. Young.

##### **Local Government**

Democrats: Moses, Chair; Aguilera, Vice Chair; T. Adams, Chowning, Frenz, Klinker, Lytle, Stevenson.

Republicans: Thomas, Ranking Minority Member; Hinkle, Neese, Ripley, Saunders, Stine.

##### **Public Health**

Democrats: C. Brown, Chair; Orentlicher, Vice Chair; Day, Fry, Hasler, Mays, Reske, Weinzapfel.

Republicans: Becker, Ranking Minority Member; Behning, T. Brown, Budak, Frizzell, Lehe.

##### **Public Policy, Ethics and Veterans Affairs**

Democrats: Lytle, Chair; Summers, Vice Chair; Austin, Cochran, Crooks, GiaQuinta, Kuzman, Liggett.

Republicans: Alderman, Ranking Minority Member; Duncan, Heim, Leonard, Ruppel, Whetstone.

##### **Roads and Transportation**

Democrats: Reske, Chair; Chowning, Vice Chair; Aguilera, Bottorff, Goodin, Liggett, Pflum, Stevenson.

Republicans: Duncan, Ranking Minority Member; Buck, McClain, Saunders, Scholer, Stutzman.

##### **Rules and Legislative Procedures**

Democrats: Pelath, Chair; Stilwell, Vice Chair; Denbo, Dickinson, Harris, Oxley.

Republicans: Whetstone, Ranking Minority Member; Alderman, Foley, Turner.

##### **Technology, Research and Development**

Democrats: Hasler, Chair; Dvorak, Vice Chair; Austin, Bardon, Frenz, Orentlicher, Pierce, Welch.

Republicans: Murphy, Ranking Minority Member; T. Brown, Heim, Koch, Ripley, Thomas.

##### **Ways and Means**

Democrats: Crawford, Chair; Klinker, Vice Chair; Cochran, Chair

of Budget Subcommittee; Avery, Vice Chair of Budget Subcommittee; T. Adams, Chair of Higher Education Subcommittee; Frenz, Chair of Taxation Subcommittee; GiaQuinta, Chair of Health and Medicaid Subcommittee; Kersey, Chair of K-12 Education Subcommittee; Aguilera, Austin, Cheney, Day, Herrell, Mays, Orentlicher, Pflum, Welch.

Republicans: Espich, Ranking Minority Member; Ayres, Borror, Buell, Cherry, Hinkle, Kruse, McClain, Thompson, Turner, Wolkins.

The Speaker announced the appointment of the Statutory Ethics Committee:

#### **Statutory Ethics Committee**

Democrats: Kersey, Chair; Robertson, Vice Chair; Stilwell.

Republicans: Hoffman, Ranking Minority Member; Richardson; Ruppel.

The Speaker announced the appointment of the Committee on Joint Rules:

#### **Committee on Joint Rules**

Democrats: Speaker Bauer (ex officio), Pelath, Stilwell.

Republicans: Bosma, Friend.

### **INTRODUCTION OF BILLS**

The following bills were read a first time by title and referred to the respective committees:

**HB 1011** — V. Smith (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1012** — V. Smith, C. Brown (Local Government)  
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**HB 1013** — V. Smith, C. Brown (Local Government)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**HB 1014** — V. Smith (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**HB 1015** — V. Smith (Public Policy, Ethics and Veterans Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**HB 1016** — V. Smith (Public Policy, Ethics and Veterans Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1017** — V. Smith (Public Policy, Ethics and Veterans Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1018** — Frenz (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1019** — Frenz (Insurance, Corporations and Small Business)  
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**HB 1020** — V. Smith, Cheney, Ayres, Foley (Human Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

**HB 1021** — V. Smith, Pond (Public Policy, Ethics and Veterans Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

**HB 1022** — V. Smith, C. Brown, Budak, Bosma (Human Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning human services and to make an appropriation.

**HB 1023** — V. Smith, Klinker (Education)  
A BILL FOR AN ACT to amend the Indiana Code concerning education finance and to make an appropriation.

**HB 1024** — V. Smith (Appointments and Claims)  
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

**HB 1025** — V. Smith (Commerce and Economic Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulations; consumer sales and credit.

**HB 1026** — V. Smith (Commerce and Economic Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**HB 1027** — V. Smith (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1028** — V. Smith (Elections and Apportionment)  
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**HB 1029** — V. Smith, C. Brown (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**HB 1030** — V. Smith, C. Brown (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1031** — V. Smith, C. Brown (Judiciary)  
A BILL FOR AN ACT to amend the Indiana Code concerning property.

**HB 1032** — Pond (Judiciary)  
A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

**HB 1033** — Pond (Appointments and Claims)  
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

**HB 1034** — Pond, Kuzman, Welch, Ayres (Judiciary)  
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

**HB 1035** — Pond (Education)  
A BILL FOR AN ACT concerning pensions.

**HB 1036** — Frizzell (Judiciary)  
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

**HB 1037** — Crooks (Public Policy, Ethics and Veterans Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

**HB 1038** — Crooks (Public Policy, Ethics and Veterans Affairs)  
A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

**HB 1039** — Ruppel (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1040** — Ruppel (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1041** — Ruppel (Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

**HB 1042** — Ruppel (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

**HB 1043** — Ruppel (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**HB 1044** — Foley, L. Lawson (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

**HB 1045** — Foley (Ways and Means)

A BILL FOR AN ACT concerning taxation.

**HB 1046** — Ulmer (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1047** — Ulmer (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

**HB 1048** — Ulmer (Agriculture, Natural Resources and Rural Development)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

**HB 1049** — Frenz (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**HB 1050** — Frenz (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1051** — Frenz (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1052** — Foley (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1053** — Foley (Roads and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**HB 1054** — Goodin (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1055** — Goodin (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning commerce.

**HB 1056** — Goodin (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

**HB 1057** — Goodin (Roads and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**HB 1058** — Cheney, Pelath (Labor and Employment)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

**HB 1059** — Cheney (Roads and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**HB 1060** — Cheney (Roads and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**HB 1061** — Cheney (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans affairs.

**HB 1062** — Cheney (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1063** — Foley (Appointments and Claims)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

**HB 1064** — Pelath (Labor and Employment)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

**HB 1065** — Pelath (Commerce and Economic Development)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

**HB 1066** — Pelath (Education)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1067** — Pelath (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**HB 1068** — Pelath (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1069** — Pelath (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1070** — Pelath (Agriculture, Natural Resources and Rural Development)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

**HB 1071** — Kuzman (Labor and Employment)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**HB 1072** — Kuzman (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1073** — Liggett (Labor and Employment)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

**HB 1074** — Liggett (Commerce and Economic Development)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

**HB 1075** — Liggett (Appointments and Claims)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**HB 1076** — Liggett (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1077** — Reske (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1078** — Cheney (Labor and Employment)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**HB 1079** — Cheney (Commerce and Economic Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

**HB 1080** — Cheney (Labor and Employment)  
A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1081** — Weinzapfel (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1082** — Weinzapfel (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1083** — Weinzapfel, Welch (Technology, Research and Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

**HB 1084** — Goodin (Education)  
A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1085** — Goodin (Insurance, Corporations and Small Business)  
A BILL FOR AN ACT to amend the Indiana Code concerning property.

**HB 1086** — Buell (Education)  
A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1087** — Austin, Reske (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**HB 1088** — Austin (Education)  
A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

**HB 1089** — Kersey, Neese (Labor and Employment)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**HB 1090** — Kersey (Local Government)  
A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

**HB 1091** — Kersey (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

**HB 1092** — Kersey (Labor and Employment)  
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**HB 1093** — Frenz (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1094** — Stevenson (Local Government)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**HB 1095** — Stevenson (Education)  
A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

**HB 1096** — Stevenson (Interstate and International Cooperation)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**HB 1097** — Stevenson (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1098** — Mahern (Elections and Apportionment)  
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**HB 1099** — Mahern (Elections and Apportionment)  
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**HB 1100** — Mahern (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1101** — Koch (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

**HB 1102** — Koch (Judiciary)  
A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

**HB 1103** — Bottorff (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1104** — Bottorff (Courts and Criminal Code)  
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

**HB 1105** — Bottorff (Agriculture, Natural Resources and Rural Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

**HB 1106** — Bottorff (Local Government)  
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**HB 1107** — Hasler (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1108** — Hasler (Agriculture, Natural Resources and Rural Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

**HB 1109** — Hasler (Ways and Means)  
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1110** — Cheney (Roads and Transportation)  
A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

**HB 1111** — Cheney (Labor and Employment)  
A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

**HB 1112** — Cheney (Commerce and Economic Development)  
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulations; consumer sales and credit.

**HB 1113** — Cheney (Education)  
A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1114** — Cheney (Education)  
A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1115** — Kuzman, Foley (Judiciary)  
A BILL FOR AN ACT to amend the Indiana Code concerning trusts and fiduciaries.

**HB 1116** — Kuzman, Foley (Judiciary)  
A BILL FOR AN ACT to amend the Indiana Code concerning probate.

**HB 1117** — Kuzman, Foley (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

**HB 1118** — Grubb, Ulmer (Agriculture, Natural Resources and Rural Development)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

**HB 1119** — Grubb, Whetstone (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages.

**HB 1120** — Porter (Education)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1121** — Porter (Education)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1122** — Porter (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

**HB 1123** — Porter, Cheney, Hoffman, Kersey, Pond, Scholer (Education)

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

**HB 1124** — Porter (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1125** — Pelath (Commerce and Economic Development)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

**HB 1126** — Pelath (Appointments and Claims)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1127** — Pelath, Budak (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages and tobacco.

**HB 1128** — Pelath (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**HB 1129** — C. Brown (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1130** — C. Brown (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**HB 1131** — C. Brown (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**HB 1132** — C. Brown (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

**HB 1133** — C. Brown (Roads and Transportation)

A BILL FOR AN ACT concerning transportation.

**HB 1134** — C. Brown (Public Health)

A BILL FOR AN ACT concerning human services.

**HB 1135** — C. Brown (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**HB 1136** — C. Brown (Ways and Means)

A BILL FOR AN ACT concerning health and to make an appropriation.

**HB 1137** — C. Brown (Public Health)

A BILL FOR AN ACT concerning health.

**HB 1138** — C. Brown (Elections and Apportionment)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**HB 1139** — C. Brown (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

**HB 1140** — C. Brown (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**HB 1141** — C. Brown (Public Health)

A BILL FOR AN ACT concerning human services.

**HB 1142** — C. Brown (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1143** — C. Brown (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**HB 1144** — Crawford (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

**HB 1145** — Crawford (Courts and Criminal Code)

A BILL FOR AN ACT concerning corrections.

**HB 1146** — Crawford (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

**HB 1147** — Kuzman (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

**HB 1148** — Lytle (Agriculture, Natural Resources and Rural Development)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

**HB 1149** — Lytle (Agriculture, Natural Resources and Rural Development)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

**HB 1150** — Lytle (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

**HB 1151** — Lytle (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

**HB 1152** — Frizzell, Ayres, Behning (Education)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1153** — Hasler (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning alcoholic beverages and tobacco.

**HB 1154** — Hasler (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense and military affairs.

**HB 1155** — Grubb, Thomas, LaPlante, Kersey (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**HB 1156** — Pelath (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**HB 1157** — Porter (Education)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1158** — Porter (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**HB 1159** — Porter (Education)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**HB 1160** — Porter (Education)

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

**HB 1161** — Dobis, Frenz (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

## INTRODUCTION OF JOINT RESOLUTIONS

The following joint resolutions were read a first time by title and referred to the respective committees:

**HJR 1** — Ulmer (Public Policy, Ethics and Veterans Affairs)

A JOINT RESOLUTION proposing an amendment to Article 1 of the Indiana Constitution concerning natural and cultural resources.

*Be it resolved by the General Assembly of the State of Indiana:*

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Thirteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS: **Section 38. The people have a right to hunt, fish, and harvest game, subject to laws prescribed by the General Assembly and rules prescribed by virtue of the authority of the General Assembly.**

**HJR 2** — Frenz (Ways and Means)

A JOINT RESOLUTION proposing an amendment to Article 10, Section 1 of the Indiana Constitution concerning taxation.

*Be it resolved by the General Assembly of the State of Indiana:*

SECTION 1. The following proposed amendment to the Constitution of the State of Indiana, which was agreed to by the One Hundred Twelfth General Assembly of the State of Indiana and referred to this General Assembly for reconsideration and agreement, is agreed to by this the One Hundred Thirteenth General Assembly of the State of Indiana.

SECTION 2. ARTICLE 10, SECTION 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 1. (a) The General Assembly shall provide, by law, for a uniform and equal rate of property assessment and taxation and shall prescribe regulations to secure a just valuation for taxation of all property, both real and personal. The General Assembly may exempt from property taxation any property in any of the following classes:

- (1) Property being used for municipal, educational, literary, scientific, religious, or charitable purposes.

(2) Tangible personal property other than property being held for sale in the ordinary course of a trade or business; property being held used or consumed in connection with the production of income or property being held as an investment.

(3) Intangible personal property.

(4) Tangible real property, including curtilage, used as a principal place of residence by an:

(A) owner of the property;

(B) individual who is buying the tangible real property under a contract; or

(C) individual who has a beneficial interest in the owner of the tangible real property.

(b) The General Assembly may exempt any motor vehicles, mobile homes, airplanes, boats, trailers, or similar property, provided that an excise tax in lieu of the property tax is substituted therefor.

## CERTIFICATION OF RECOUNT RESULTS

### INDIANA HOUSE DISTRICT 81

#### THE INDIANA STATE RECOUNT COMMISSION

*Whereas, The Indiana Recount Commission, on December 2, 2002, completed the recount previously granted in Indiana House District 81 on November 20, 2002; and*

*Whereas, Indiana Code 3-12-11-18(a) requires that upon completion of a recount, the Commission sign a certificate setting forth the results of the recount and file this certificate with the Election Division of the Office of the Secretary of State: Therefore,*

*The Indiana State Recount Commission certifies the following:*

- (1) The recount of the votes cast for the office of State Representative in House District 81 at the November 5, 2002, general election, ordered by the Commission on November 20, 2002, was completed by the Commission on December 2, 2002.
- (2) The total number of votes cast for Matthew (Matt) G. Keltly in the precincts within House District 81 was 4655.
- (3) The total number of votes cast for Win Moses, Jr. in the precincts within House District 81 was 4718.
- (4) The candidate who received the highest number of votes for election as State Representative, House District 81, was Win Moses, Jr., whose plurality was 63 votes.
- (5) The Tally of Ballots submitted to the Commission on this date by the State Board of Accounts setting forth the votes cast for both candidates in each precinct in this district is adopted and incorporated by reference in this Certification.

ADOPTED, THIS THE 2nd DAY OF DECEMBER, 2002.

#### INDIANA STATE RECOUNT COMMISSION

Sue Anne Gilroy, Chair  
Gordon Durnil, Member  
Mark Palmer, Member

### INDIANA HOUSE DISTRICT 86

#### THE INDIANA STATE RECOUNT COMMISSION

*Whereas, The Indiana Recount Commission, on December 11, 2002, completed the recount previously granted in Indiana House District 86 on November 20, 2002; and*

*Whereas, Indiana Code 3-12-11-18(a) requires that upon completion of a recount, the Commission sign a certificate setting forth the results of the recount and file this certificate with the Election Division of the Office of the Secretary of State: Therefore,*

*The Indiana State Recount Commission certifies the following:*

- (1) The recount of the votes cast for the office of State Representative in House District 86 at the November 5, 2002, general election, ordered by the Commission on November 20, 2002, was completed by the Commission on December 11, 2002.
- (2) The total number of votes cast for Jim Atterholt in the precincts within House District 86 was 9872.
- (3) The total number of votes cast for David Orentlicher in the precincts within House District 86 was 9909.

- (4) The candidate who received the highest number of votes for election as State Representative, House District 86, was David Orentlicher, whose plurality was 37 votes.
- (5) The Tally of Ballots submitted to the Commission by the State Board of Accounts setting forth the votes cast for both candidates in each precinct in this district is adopted and incorporated by reference in this Certification.

ADOPTED, THIS THE 17th DAY OF DECEMBER, 2002.

INDIANA STATE RECOUNT COMMISSION  
Sue Anne Gilroy, Chair  
Gordon Durnil, Member  
Mark Palmer, Member

## RESOLUTIONS ON FIRST READING

### House Concurrent Resolution 3

Representatives C. Brown and Mangus introduced House Concurrent Resolution 3:

A CONCURRENT RESOLUTION memorializing Jeanette Knoll Adams.

*Whereas, The death of Jeanette Knoll Adams left an enormous void in the lives of everyone she touched;*

*Whereas, Jeanette Knoll Adams was born on December 23, 1940, in Quakertown, Pennsylvania, and passed away on November 26, 2002, in Indianapolis, Indiana;*

*Whereas, Jeanette is survived by her husband James Adams, her daughter Joyce, her mother Florence Knoll, and brothers John and James Knoll;*

*Whereas, Nette, as she was known by her friends and family, served the citizens of Indiana for 39 years as an employee of the Budget Agency and the Legislative Services Agency;*

*Whereas, Nette began her governmental career as a Ford Fellow in the Budget Agency and then served as a fiscal analyst and an attorney for the Legislative Services Agency (LSA);*

*Whereas, During her time at the LSA, Nette dealt with a wide variety of topics ranging from the Administrative Building Council to education and natural resources;*

*Whereas, Everyone who came in contact with Nette appreciated her dedication to duty and her deep concern for the people she worked with;*

*Whereas, In addition to her work at the State House, Nette was a stamp enthusiast who belonged to the American Philatelic Society and the Indiana Stamp Club;*

*Whereas, Nette was an avid supporter of the activities of the 4-H and Girl Scouts, which she enjoyed with her daughter Joyce;*

*Whereas, Each spring Nette could be seen delivering the 4-H geraniums to the State House that she and her daughter, Joyce, had sold;*

*Whereas, Governor Frank O'Bannon awarded Jeanette Knoll Adams a Sagamore of the Wabash, the highest honor the Governor can bestow on a citizen of the state of Indiana; and*

*Whereas, Jeanette Knoll Adams touched the lives of many people and made them better because of it: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana,  
the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to express its deepest sympathy to the family of Jeanette Knoll Adams and to convey its gratitude and appreciation for the years of dedicated service that Jeanette gave to the state of Indiana and its citizens.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to her husband James R. Adams, daughter Joyce V. Adams, mother Florence Knoll, and brothers John and James Knoll.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Lubbers and Craycraft.

The House stood for a moment of silence in memory of Jeanette Knoll Adams.

### House Resolution 2

Representatives Stilwell and Bosma introduced House Resolution 2:

A HOUSE RESOLUTION to confirm the elections of Representatives Lehe, Moses, and Orentlicher.

*Whereas, Recounts of the election results were requested in House Districts 81 and 86;*

*Whereas, Petitions to contest the election results were filed in House Districts 15 and 86;*

*Whereas, The State Recount Commission, the Election Division of the Office of the Secretary of State, certified the recount results for House Districts 81 and 86, and the contest petitions were dismissed for House Districts 15 and 86: Therefore,*

*Be it resolved by the House of Representatives  
of the General Assembly of the State of Indiana:*

SECTION 1. That Representatives Lehe, Moses, and Orentlicher are qualified, duly elected, and entitled to serve as members of the 113th General Assembly.

The resolution was read a first time and adopted by voice vote.

## AMENDMENT TO HOUSE RULES

### HOUSE MOTION

Mr. Speaker: I move that the House adopt the following amendments to the Rules of the House of Representatives for the 113th General Assembly:

148.4 No Senate bill or joint resolution amending the Constitution shall be received by the House after March 10 in the first session or February 9 in the second session.

148.5 The limitations set forth in this Rule shall not apply to bills concerning reapportionment or redistricting only.

STILWELL

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

## OTHER BUSINESS ON THE SPEAKER'S TABLE

### HOUSE MOTION

Mr. Speaker: I move that Representative V. Smith be added as coauthor of House Bill 1063.

FOLEY

Motion prevailed.

On the motion of Representative Dvorak, the House adjourned at 1:55 p.m., this seventh day of January, 2003, until Wednesday, January 8, 2003, at 2:00 p.m.

B. PATRICK BAUER  
Speaker of the House of Representatives

DIANE MASARIU CARTER  
Principal Clerk of the House of Representatives